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| APPLICATION NO.                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/849,006  | 05/04/2001  | George Nelson Bliss  | 17306/101           | 1810             |
| 26646   | 7590        | 02/28/2005           | EXAMINER            |                  |
| KENYON & KENYON<br>ONE BROADWAY<br>NEW YORK, NY 10004 |             |                      |                     | CHIN, PAUL T     |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
|   |             | 3652                 |                     |                  |

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JB

|   |                 |              |
|---|-----------------|--------------|
| <br><b>Office Action Summary</b> | Application No. | Applicant(s) |
|   | 09/849,006      | BLISS ET AL. |
|   | Examiner        | Art Unit     |
|   | PAUL T. CHIN    | 3652         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 December 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 5,6,9,10,14,15,21,22,25 and 26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9,10,21 and 22 is/are allowed.

6) Claim(s) 5,6,14,15,25 and 26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</p> | <p>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p> |
|---|---|

## DETAILED ACTION

1. Applicant's amendment filed December 3, 2004, and the arguments with respect to claims 5,6,14, and 15 have been considered and they are persuasive in light of the amended claims. Therefore, the rejections of the Soviet Union Patent (SU 537-926), the Canadian Patent (CA 197,808), and Shadle (3,614,151) have been withdrawn (note that applicant cancels claims 1-4, 7, 8, 11-13,16-20, 23,24, and adds new claims 25 and 26). However, claims 5,6,14, and 15 are moot in view of the new ground(s) of rejection. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (5,409,280) or Jaeger (2,610,890). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (5,409,280).

Hill (5,409,280) discloses an apparatus for gripping and releasing one item, comprising a pickup head (12); at least one gripping plate (22), a restraining device (14) corresponding to each gripping plate (22), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (22) being displaced substantially inwardly by the restraining

device (14) when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when the gripping plate is being moved from the closed position to the open position, and an actuation device, a cylinder (54), configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (36) (Fig. 1B) corresponding to each gripping plate (22), the at least one biasing element urging the corresponding gripping plate toward the opening position.

Re claims 6 and 15, Hill's gripping apparatus (5,409,280) shows that the at least one biasing device includes at least one spring element (36) (Col 4, lines 39-44).

Re claims 25 and 26, Hill's gripping apparatus (5,409,280) further shows two gripping plates (22,22) opposite each other in the closed position (see Fig. 1B).

4. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by **Jaeger (2,610,890)**.

Jaeger (2,610,890) discloses an apparatus for gripping and releasing one item, comprising a pickup head (11) (Fig. 2); at least one gripping plate (32), a restraining device (20,22) corresponding to each gripping plate (24,32,33,34), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (32) being displaced substantially inwardly by the restraining device when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when

the gripping plate is being moved from the closed position to the open position, and an actuation device (19,27,27,45-48,48) (Fig. 4) configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (60) (Figs. 1 and 5) corresponding to each gripping plate (22), the at least one biasing element urging the corresponding gripping plate toward the opening position (Fig. 5).

Re claims 6 and 15, Jaeger's gripping apparatus (2,610,890) shows that the at least one biasing device includes at least one compression spring (60) (Fig. 5) (Col 5, lines 31-55) urging the gripping plate (24,32-34) to the open position.

Re claims 25 and 26, Jaeger's gripping apparatus (2,610,890) further shows two gripping plates (32,33,34; 32,33,34) opposite each other in the closed position (see Figures 1 and 5).

***Allowable Subject Matter***

5. Claims 9,10,21, and 22 are allowed.

***Response to Arguments***

6. Applicant canceled claims 1-4, 7, 8, 11-13,16-20, 23,24, and adds new claims 25 and 26.

Applicant's amendment filed December 3, 2004, and the arguments with respect to claims 5,6,14, and 15 have been considered and they are persuasive in light of the amended claims.

Therefore, the rejections of the Soviet Union Patent (SU 537-926), the Canadian Patent (CA 197,808), and Shadle (3,614,151) have been withdrawn. Applicant's arguments with respect to claims 5,6,14, and 15 (also new claims 25 and 26) have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Applicant's amendment (the addition of new limitations on claims 5 and 14 in combination with other structural limitations including new claims 25 and 26) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS  
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February 18, 2005